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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,362	03/30/2004	Christian Mueller	ITC-335US	4981
23122	7590	05/03/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			PATEL, PARESH H	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/813,362

Applicant(s)

MUELLER, CHRISTIAN

Examiner

Paresh Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-85 is/are pending in the application.
- 4a) Of the above claim(s) 50-60 and 77-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61, 63-69 and 85 is/are rejected.
- 7) ☒ Claim(s) 43-49, 62 and 70-76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/04, 11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group VIII (claims 61-70) in the reply filed on 01/30/2006 is acknowledged. The traversal is on the ground(s) that claim 61 is generic to claims 50-60, examination of claims 50-60 is also requested. This is not found persuasive because claim 61 link(s) inventions of structure claims and method claims. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claim 61. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) **will be rejoined and fully examined** for patentability in accordance with 37 CFR 1.104 Claims that require all the limitations of an allowable linking claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection is governed by 37 CFR 1.116; amendments submitted after allowance is governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim(s) including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C.

121 are no longer applicable. In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. **Claims 50-60 withdrawn** from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

3. Applicant's election of Group VIII in the reply filed on 01/30/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement for Group X (claims 77-84), the election has been treated as an election without traverse (MPEP § 818.03(a)). Therefore, **Claims 77-84 have been withdrawn** from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Claim Objections***

4. Claim 68 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The "feature" as claimed at claim 68 should read --moveable feature--.

**To expedite the process of prosecution, it is assumed that "feature" of Claim 68 read as "moveable feature".**

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 61, 66-69 and 85 are rejected under 35 U.S.C. 102(b) as being anticipated by Zahn (DE 2943864).

Regarding claims 61 and 85, Zahn in fig. 1-7 and at basic-abstract discloses docking module and method of docking comprising detecting a feature [credit card] using a feature detector and actuating an actuator, responsive to detection [activation as disclosed] of said feature, in order to move a movable feature [a device as disclosed] of a movable feature receptacle [receptacle for the device as disclosed] in order to capture [see basic abstract] said feature [credit card] and pull said feature in a linear direction [using 18 on 17].

Regarding claims 66 and 67, Zahn discloses moveable feature [end of 37, see fig. 5 and motion at fig. 3, 6-7] moves perpendicular (or linear path) to said linear direction.

Regarding claim 68, Zahn discloses cam [37] as claimed.

Regarding claim 69, Zahn discloses detector as switch [36 or 43].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahn as applied to claim 61 above.

Regarding claims 63-65, Zahn discloses an actuator, however Zahn is silent about it's nature/type (i.e. linear actuator as claimed at claim 63, pneumatic as claimed at claim 64 and an electrical solenoid as claimed at claim <sup>65</sup>~~64~~) at the abstract. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use linear actuator as claimed at claim 63, pneumatic actuator as claimed at claim 64 and an electrical solenoid actuator as claimed at claim 64, since it is well known in the art that actuator are used to actuate the device (e.g. cam shaft or follower) to which it is connected to at least pull, push, shift or for intended/desired purpose.

***Allowable Subject Matter***

9. Claims 62, 70, 71, 43-49 and 72-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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No prior art has been found that meets the limitation of claim 62 calling for a docking module coupled to one of a test head and a peripheral, and a feature is one of a plurality of features coupled to other of a test head and said peripheral and movable feature to capture said feature and pull said feature in a linear direction, as further defined.

No prior art has been found that meets the limitation of claim 71 calling for method of docking comprising a detecting a docking pin, inserting said docking pin coupled to a test head into a pin receptacle coupled to a peripheral and sliding said pin receptacle in order to move said test head towards said peripheral, as further defined.

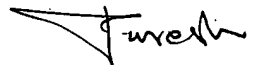
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paresh Patel  
Primary Examiner  
Art Unit 2829

April 28, 2006